

## **REMARKS**

In view of the following remarks, reconsideration is respectfully requested.

### **I. Amendments to the Claims**

Independent claims 1, 27, 29 and 38 have been amended to clarify a phrase identified in the Office Action as vague and indefinite. These amendments are editorial in nature and are not intended to add new matter.

### **II. 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 1, 4-27, 29, 33, 38 and 39 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite. This rejection is believed clearly inapplicable to amended independent claims 1, 27, 29 and 38 and the claims that depend thereon for the following reasons.

Initially, Applicants would like to thank Examiner Nooristany for conducting a brief telephone interview to discuss this rejection. During the interview, the Examiner indicated that the two “when” phrases were confusing and needed clarification.

In view of the Examiner’s explanation, independent claims 1, 27, 29 and 38 have been amended to clarify a phrase recited therein. Specifically, claim 1 has been amended to recite:

“when said communication unit receives, from the server apparatus, a notification packet indicating an occurrence of a control request to control said home terminal apparatus ~~while when~~ said communication unit is ~~repeating the repeats~~ sending, using the UDP, of the address notification packet on a periodical basis;

said packet generation unit is operable to generate a connection request packet, which is a packet for making a connection request to establish a TCP connection to the server apparatus;

said protocol determination unit is operable to determine that the connection request packet is to be communicated using the second communication protocol which is the TCP; and

said communication unit is operable to send the connection request packet to the

server apparatus using the TCP, and operable to receive, from the server apparatus, control packet data, which is data including the control request in the TCP after the connection is established between the server apparatus and said home terminal apparatus using the second communication protocol which is the TCP.”

Therefore, in view of the above-described amendments, it is submitted that amended independent claim 1 now clearly recites that when the communication unit receives a notification packet while the communication unit is repeating the sending of the address notification packet, the specific events described above are performed. Independent claims 27, 29 and 38 have been amended in a similar manner

Thus, since the independent claims have been amended to remedy the vague and indefinite phrase identified in the 35 U.S.C. § 112, second paragraph rejection, withdrawal of this rejection is respectfully requested.

### **III. 35 U.S.C. § 103(a) Rejection**

Claims 1, 4-27, 29, 33 38 and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Moyer et al. (U.S. 2002/0103898), Sen (draft-sen-midcom-fw-nat-01.txt), Humpleman et al. (U.S. 6,466,971) and Hayes (U.S. 2006/0259184). This rejection is believed clearly inapplicable to amended independent claims 1, 27, 29, and 38 and the claims that depend therefrom for the following reasons.

Applicants respectfully submit that Hayes is not a prior art reference, since the International Filing Date of the present application (i.e., September 22, 2003) is before the earliest effective date (i.e., November 4, 2003) of Hayes. Therefore, Applicants request that Hayes be removed as a prior art reference.

Furthermore, since Hayes is not a prior art reference, it is submitted that the above-

mentioned rejection is no longer applicable. For the reasons discussed above, withdrawal of this 35 U.S.C. § 103(a) rejection is respectfully requested.

#### **IV. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Shinichi TSUCHIDA et al.

/Andrew L. Dunlap/

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Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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